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In re Application of	:	OFFICE OF PETITIONS
Ochiai et al.	:	
Application Number: 10/076,079	:	DECISION ON PETITION
Patent: 6,852,789	:	
Filing Date: February 15, 2002	:	
Issue Date: February 8, 2005	:	

This is a decision on the petition filed September 8, 2006 to correct the assignee under 37 CFR 3.81 (b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must :

(A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;

¹See 69 Fed. Reg. 29865 (May 26, 2004).

(B) provide a request for a certificate of correction §1.323;

(C) provide the fee set forth in 37 CFR §1.20 (a) and

(D) provide the processing fee set forth in 37 CFR §1.17(i).

Pursuant to petitioner's request deposit account 02-4300 will be charged the \$130.00 processing fee. A review of the record shows that a \$130.00 check was not received.

Petitioner has failed to provide (A). Petitioner states two assignees were recorded for the above-identified patent. The two assignees are Degussa AG and Nippon Aerosil Co., Ltd. Petitioner states Nippon Aerosil Co., Ltd was inadvertently omitted on the issue fee transmittal and now request that a certificate of correction be issued to reflect the two assignees. However, petitioner has also requested that the first assignee's name be corrected from "Degussa-AG" to "Degussa AG". A review of the record shows that Nippon Aerosil Co., Ltd . was an assignee at the time of issuance of the patent. However, the correction to the first assignee's name was not recorded prior to the issuance of the patent. Accordingly a certificate of correction that shows "Degussa AG" is not in order. Assignment information printed on a patent is not updated after a patent is issued, and may not be reflective of the assignment recorded in the Office subsequent to the issuance of the patent. However, if petitioner desires a certificate of correction reflecting the addition of Nippon Aerosil Co., Ltd, a new certificate of correction should be provided on renewed petition.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter may be addressed as follows:

By mail:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

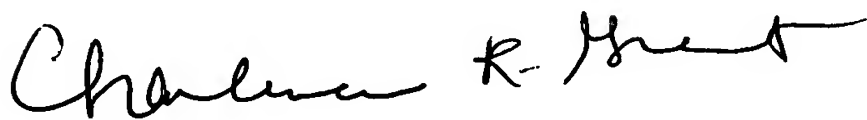
By facsimile:

(571) 273-8300

By delivery service:
FedEx, UPS, DHL, etc.)

U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at
(571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Robert G. Weilacher
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